

Notice of Allowability

Application No.

10/668,266

Applicant(s)

HEMSTOCK ET AL.

Examiner

Christopher Upton

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 7/7/2005.
2. ☒ The allowed claim(s) is/are 1-15 and 17-20.
3. ☒ The drawings filed on 24 September 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

CHRISTOPHER UPTON
PRIMARY EXAMINER

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Sean Goodwin on July 20, 2005.

The application has been amended as follows:

In claim 1, line 13, after "edge," - the maximum depth of the belly storage portion being set by said lower edge - has been inserted.

In claim 1, line 16, after "portion", --prior to the flow barrier - has been inserted.

In claim 5, line 2, "the fluid outlet, the fluid outlet further comprising" has been deleted.

In claim 5, line 3, prior to "extending", --of the fluid outlet - has been inserted.

In claim 17, line 16, after "below the edge," - the maximum depth of the belly storage portion being set by said lower edge - has been inserted.

In claim 17, line 19, after "portion", --prior to the flow barrier - has been inserted.

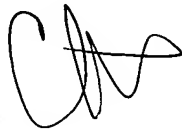
A handwritten signature in black ink, appearing to read 'CU' with a stylized flourish.

**CHRISTOPHER UPTON
PRIMARY EXAMINER**

Art Unit: 1724

The following is an examiner's statement of reasons for allowance: the addition of the recitations of the maximum depth of the belly storage portion being set by said lower edge and the spacing of the barrier being such that the fall trajectory intersects the belly portion prior to the flow barrier to the structure recited in claims 1 and 17 patentably distinguishes over the art of record. The flow barriers Collings and the conduits (19, 21) of Sinex extend below the freeboard into the storage portions, while the flow barrier of Chavez and the baffles (13) of Sinex are arranged to impinge the stream, not to be placed such that the fall trajectory intersects the storage portion prior to the barrier.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



**CHRISTOPHER UPTON
PRIMARY EXAMINER**